

18A.0551 Personnel Board elections -- Procedures.

- (1)
 - (a) Elections to the board shall be scheduled every four (4) years on or before July 1. The board shall provide written notification of the date of the election to all classified employees on or before May 1; and
 - (b) Upon receipt of the notification provided for by paragraph (a) of this subsection, an employee wishing to serve on the board shall notify the board, in writing, no later than June 1. This notification shall be notarized and shall include the candidate's name, address, Social Security number, job classification, and length of state employment. It shall also include the name and address of his current employer.
- (2) On the last working day of May, the cabinet shall certify a payroll listing to the board that is current on such day and that contains the name, Social Security number, and home address of every classified employee.
- (3) At least fifteen (15) working days prior to the election provided for in subsection (1) of this section, the board shall mail to each classified employee whose name appeared on the payroll listing certified by the cabinet at his home address:
 - (a) A list of candidates for election to the board, in alphabetical order, with a brief biography following the name of each candidate;
 - (b) Instructions for voting;
 - (c) A ballot listing the names of all candidates for election to the board in alphabetical order and providing a blank space next to each name; and
 - (d) Two (2) envelopes for returning the ballot. Prior to mailing the envelopes to a state employee, one (1) envelope shall be addressed by the board to the impartial third party selected by the board to receive, validate, and tabulate the ballots at a post office box rented by the board for the election. The upper left corner of the preaddressed or outer envelope shall contain a sufficient number of blank lines and spaces to permit an employee to print his name and address. The upper left corner of the second or inner envelope shall contain a sufficient number of blank lines and spaces to permit an employee to print his name, address, Social Security number, the date, and to affix his signature.
- (4) Upon receipt of his ballot, a classified employee wishing to participate in the election provided for in subsection (1) of this section shall:
 - (a) Vote for no more than two (2) candidates;
 - (b) Mark his ballot by placing a mark in the blank space next to the name of the candidate for whom he is casting his vote;
 - (c) Print his name and address in the upper left corner of the preaddressed or outer envelope provided by the board;
 - (d) Print his name, address, Social Security number, the date, and affix his signature in the upper left corner of the second or inner envelope provided by the board;
 - (e) Seal his ballot in the second or inner envelope; and

- (f) Seal the second or inner envelope in the preaddressed or outer envelope, affix a stamp to it, and post it.
- (5) The board shall:
- (a) Select an impartial third party to receive, validate, and tabulate all returned ballots as provided by this subsection and subsection (6) of this section;
 - (b) Acquire a post office box to which all ballots shall be mailed; and
 - (c) Provide the impartial third party with a computer generated list of the names and Social Security numbers of eligible voters, with the names of the eligible voters in numerical sequence as determined by their Social Security numbers. The names and Social Security numbers listed on the list shall correspond to those appearing on the payroll certified by the cabinet under subsection (2) of this section.
- (6) The impartial third party selected by the board shall collect all ballots, unopened, from the post office box. It shall:
- (a) Examine the postmark on each envelope;
 - (b) Set aside, unopened, any preaddressed or outer envelope postmarked with a date subsequent to the deadline provided for by this section;
 - (c) Remove the second or inner envelope from the preaddressed or outer envelope;
 - (d) Verify the name and Social Security number on the second or inner envelope by comparing them to the computer generated list of names and Social Security numbers of eligible voters provided by the cabinet;
 - (e) Set aside, unopened, any second or inner envelope containing a name and Social Security number that does not match the name and Social Security number appearing next to the name on the computer generated list;
 - (f) Tabulate the ballots by electronic data entry in duplicate, provided that ballots in envelopes specified in paragraphs (b) and (e) of this subsection shall not be counted;
 - (g) Compare the total tabulated vote with the total number of eligible employees appearing on the computer generated list provided by the cabinet;
 - (h) Return the ballots; envelopes, including envelopes that have not been opened; and other election material to the board; and
 - (i) Certify to the board:
 - 1. That the tabulation does not include two (2) or more ballots with the same Social Security number;
 - 2. The total number of ballots received;
 - 3. The total number of ballots not included in the tabulation, and the reason each such ballot was not included in the tabulation;
 - 4. The total number of ballots included in the tabulation; and
 - 5. The total vote for each candidate.

- (7) For at least sixty (60) days after the completion of the tabulation provided for by subsection (6) of this section, the ballots, envelopes, and other election materials provided for by this section shall be public record and open to inspection, but the home addresses and Social Security numbers of the eligible employees and voters shall be redacted prior to public inspection or disclosure.
- (8) The two (2) candidates receiving the greatest number of votes shall be declared the successful candidates. In the event of a tie vote, the tie shall be broken by a coin toss in the presence of the candidates receiving the tie vote.
- (9) Successful candidates shall be notified by the board no later than five (5) working days after the election. Successful candidates shall take office immediately upon notification.
- (10) State employees shall not use state materials or equipment for any purpose related to the election of classified employees to the board, nor shall any activity related to the election of a classified employee to the board be conducted during working hours.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 123, sec. 1, effective July 15, 2002. -- Amended 1998 Ky. Acts ch. 154, sec. 18, effective July 15, 1998. -- Amended 1988 Ky. Acts ch. 307, sec. 1, effective July 15, 1988. -- Created 1986 Ky. Acts ch. 494, sec. 12, effective July 15, 1986.